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PATENT

Customer No. 22,852

Attorney Docket No. 1147.0142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

U.S. Patent No. 5,750,338

Mark L. Collins et al.

Reissue Serial No.: 09/533,906

Reissue Application Filed: March 8, 2000

For: TARGET AND BACKGROUND  
CAPTURE METHODS WITH  
AMPLIFICATION FOR AFFINITY  
ASSAYS

)  
)  
) Group Art Unit: 1655

)  
) Examiner: D. Johannsen

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**REISSUE LITIGATION BOX**

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Patent Owner brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

This Information Disclosure Statement contains references cited in a related litigation.

Copies of the listed documents are attached, except for three documents previously submitted and two documents subject to protective order, as noted on the Form PTO 1449 attached. Patent

02/27/2002 TSUGGS

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LAW OFFICES  
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202-408-4000

Owner respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the reissue application and the Patent Owner determines that the cited documents do not constitute "prior art" under United States law, Patent Owner reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Patent Owner further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present reissue application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 21, 2002

By: Jean B. Fordis  
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